

EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

RUTH SMITH, individually and on
behalf of all others similarly
situated,

Plaintiff,

Case No.

vs.

1:22-cv-00081-LMB-
WEF

SUNPATH, LTD., a Massachusetts
corporation,

Defendant.

_____ /

DEPOSITION OF
RULE 30(b)(6) DEPOSITION OF CHUKRAN MANAGEMENT GROUP
d/b/a AMERICAN PROTECTION CORP. ("AMERICAN PROTECTION")
KOBI CHUKRAN

(Conducted Via Videoconference)

DATE: November 1, 2022

TIME: 11:03 a.m. to 2:06 p.m.

PURSUANT TO: Notice by counsel for Plaintiff
for purposes of discovery, use at
trial or such other purposes as
are permitted under the Federal
Rules of Civil Procedure

REPORTED BY: Aaron T. Perkins, RMR, CRR, CRC
Notary Public, State of
Florida at Large

Pages 1 to 128

<p>1 A. I believe so.</p> <p>2 Q. Okay. And she starts this with saying, "This</p> <p>3 is Samantha calling with American Protection."</p> <p>4 Did you hear that?</p> <p>5 A. Yes.</p> <p>6 Q. Is that how subcontractors would typically</p> <p>7 start a call?</p> <p>8 A. Typically, they will identify who they -- who</p> <p>9 they are and who they're calling from.</p> <p>10 Q. But that's not -- I'm just trying to understand</p> <p>11 if this call would be out of the ordinary.</p> <p>12 Is that typically how a subcontractor would</p> <p>13 identify themselves on behalf of American Protection?</p> <p>14 MR. CAFFAS: Objection. Asked and answered.</p> <p>15 Vague.</p> <p>16 MR. TANDY: Objection.</p> <p>17 MR. CAFFAS: And I think it's calling for</p> <p>18 speculation and a legal conclusion, as to who</p> <p>19 they're calling on behalf of.</p> <p>20 BY MR. SMITH:</p> <p>21 Q. You can answer.</p> <p>22 A. They would usually -- they would usually have a</p> <p>23 script, identify who they are and the company they're</p> <p>24 calling from.</p> <p>25 Q. Okay. So would you say that's typical or</p> <p style="text-align: right;">Page 181</p>	<p>1 A. Yes, it is.</p> <p>2 Q. Okay. Do you know if the Five9 system keeps</p> <p>3 recordings of calls?</p> <p>4 A. Yes, it does.</p> <p>5 Q. And could recordings of calls be downloaded?</p> <p>6 A. Yes.</p> <p>7 MR. SMITH: Give me a second. I'm going to</p> <p>8 move to my next exhibit.</p> <p>9 BY MR. SMITH:</p> <p>10 Q. Okay. I'm going to play another recording for</p> <p>11 you.</p> <p>12 MR. SMITH: I'm going to mark it as Exhibit 14</p> <p>13 to this deposition.</p> <p>14 (Deposition Exhibit 14 was marked.)</p> <p>15 MR. SMITH: This is another recording produced</p> <p>16 by Plaintiff, and it's been produced in the</p> <p>17 litigation and marked as "SMITH000028," so I'm going</p> <p>18 to play it in full.</p> <p>19 (At this time the recorded voicemail was played</p> <p>20 for the witness.)</p> <p>21 MS. COLETTA: Hi, good afternoon. This message</p> <p>22 is for Ruth. This is Dawn with American Automotive</p> <p>23 Protection Corp. I was calling to follow up with</p> <p>24 you from your policy with us. I work here with</p> <p>25 Samantha Jaeger. She asked me to give you a call,</p> <p style="text-align: right;">Page 183</p>
<p>1 that's out of the ordinary for how they would identify</p> <p>2 themselves?</p> <p>3 MR. CAFFAS: Objection. He's answered that</p> <p>4 twice now.</p> <p>5 THE WITNESS: Again, I think that's how they</p> <p>6 would -- they should.</p> <p>7 BY MR. SMITH:</p> <p>8 Q. Got it. She provides a telephone --</p> <p>9 THE COURT REPORTER: I'm sorry.</p> <p>10 MR. SMITH: Sorry. Go ahead.</p> <p>11 THE COURT REPORTER: Could you state the</p> <p>12 objection again? You kind of cut out.</p> <p>13 MR. CAFFAS: I think I -- which -- which time?</p> <p>14 The last time?</p> <p>15 THE COURT REPORTER: Correct.</p> <p>16 MR. CAFFAS: I just said objecting to asked and</p> <p>17 answered twice now.</p> <p>18 THE COURT REPORTER: Thank you. Sorry.</p> <p>19 MR. CAFFAS: Not a problem.</p> <p>20 MR. SMITH: Okay.</p> <p>21 BY MR. SMITH:</p> <p>22 Q. Kobi, she provides a telephone number which is</p> <p>23 800-427-1806.</p> <p>24 A. Yes.</p> <p>25 Q. Is that American Protection's telephone number?</p> <p style="text-align: right;">Page 182</p>	<p>1 but please give us a call back at 800-427-1806. I'm</p> <p>2 at extension 1191.</p> <p>3 And, again, this is regarding your policy with</p> <p>4 us, but it's important that you give us a call back</p> <p>5 so we can confirm your information for the file.</p> <p>6 Thank you so much, and have a nice evening.</p> <p>7 Bye-bye.</p> <p>8 (Recording concluded.)</p> <p>9 BY MR. SMITH:</p> <p>10 Q. Do you recognize that voice?</p> <p>11 A. Yes.</p> <p>12 Q. Can you tell me who that is?</p> <p>13 A. Her name is Dawn.</p> <p>14 Q. Do you know her last name?</p> <p>15 A. Coletta, C-o-l-e-t-t-a.</p> <p>16 Q. So what is Dawn's role?</p> <p>17 A. Dawn's role is in the back office, so --</p> <p>18 Q. Can you explain what that means?</p> <p>19 A. Yeah. Assistance with if we need to obtain a</p> <p>20 VIN number or a credit card.</p> <p>21 Q. Okay. Is she an employee of</p> <p>22 American Protection, or is she a subcontractor?</p> <p>23 A. She's a subcontractor.</p> <p>24 Q. Okay. Is she still working with you?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 184</p>

<p>1 Q. Do you know how long she's worked with you?</p> <p>2 A. A few years.</p> <p>3 Q. Is there a difference between her role and</p> <p>4 Samantha Jaeger's role?</p> <p>5 A. Yes.</p> <p>6 Q. Can you tell me that difference?</p> <p>7 A. Samantha was in sales, while Dawn is more of</p> <p>8 a -- again, of a back office or admin type of a role.</p> <p>9 Q. When we previously talked about subcontractors,</p> <p>10 you told me you had about one to two at any particular</p> <p>11 time.</p> <p>12 Were you referring to sales subcontractors?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Do you have any other subcontractors</p> <p>15 that do back-end work besides Dawn?</p> <p>16 A. Yes.</p> <p>17 Q. Can you tell me their names?</p> <p>18 A. Matt Conway.</p> <p>19 Q. Can you spell that as well?</p> <p>20 A. M-a-t-t C-o-o-n-w-a-y.</p> <p>21 Q. Anyone else?</p> <p>22 A. No.</p> <p>23 Q. Give me a minute. I'm pulling up another</p> <p>24 exhibit.</p> <p>25 (Deposition Exhibit 15 was marked.)</p> <p style="text-align: right;">Page 185</p>	<p>1 Q. The second sentence of this e-mail says, "I</p> <p>2 enjoyed speaking with you today about your vehicle and I</p> <p>3 wanted to provide you with the information below for</p> <p>4 your review."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Is it fair to say this e-mail would have</p> <p>8 followed a phone call?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Is it common for American Protection to</p> <p>11 send follow-up e-mails to potential clients?</p> <p>12 A. Yes.</p> <p>13 Q. You produced this document, correct?</p> <p>14 A. I believe the plaintiff did.</p> <p>15 Q. I think you produced the one we're going to</p> <p>16 review next, not this one.</p> <p>17 But in any regard, do you know which system</p> <p>18 this e-mail would have been sorted?</p> <p>19 A. Inline.</p> <p>20 Q. Inline. Okay.</p> <p>21 Do you know how far back American Protection</p> <p>22 maintains records of e-mails?</p> <p>23 A. No, I do not.</p> <p>24 Q. Would it be for the entire relevant time</p> <p>25 period?</p> <p style="text-align: right;">Page 187</p>
<p>1 BY MR. SMITH:</p> <p>2 Q. All right, Kobi. I'm showing you what's been</p> <p>3 marked as Exhibit 15.</p> <p>4 Do you recognize this document?</p> <p>5 A. Yes.</p> <p>6 Q. Can you tell me what it is?</p> <p>7 A. This is the e-mail that was sent out to</p> <p>8 Ruth Smith.</p> <p>9 Q. Okay. That was sent on May 28th, 2020, at</p> <p>10 3:30 p.m. Eastern; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. This was sent by Samantha Jaeger?</p> <p>13 A. Yes.</p> <p>14 Q. Do you see, in the e-mail, it says,</p> <p>15 "Customer Number," and it says, "617RC12986"?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know what that number is?</p> <p>18 A. I believe that's assigned by Inline CRM.</p> <p>19 Q. Okay. Would there be --</p> <p>20 So would each lead within the system have a</p> <p>21 different customer number?</p> <p>22 A. I believe so.</p> <p>23 Q. Okay. Is this e-mail following up regarding a</p> <p>24 SunPath vehicle service contract plan?</p> <p>25 A. I think so.</p> <p style="text-align: right;">Page 186</p>	<p>1 MR. TANDY: Objection.</p> <p>2 MR. CAFFAS: Can you say --</p> <p>3 THE WITNESS: I'm not -- I'm not sure.</p> <p>4 MR. TANDY: What?</p> <p>5 MR. CAFFAS: Before Kobi answers, can you state</p> <p>6 the basis of your objection?</p> <p>7 MR. TANDY: Sure. My basis for the -- for the</p> <p>8 objection is he asked the question for the entire</p> <p>9 period, could he tell, and the answer was no, so</p> <p>10 the -- this question, right, it's a -- it's</p> <p>11 basically asked and answered. It seems to be the</p> <p>12 same question in a -- in a different format.</p> <p>13 BY MR. SMITH:</p> <p>14 Q. You can answer the question.</p> <p>15 A. Can you please repeat it? I want to make sure</p> <p>16 I am --</p> <p>17 Q. Yeah. Do you know if Inline CRM system</p> <p>18 maintains records of e-mails throughout the entire</p> <p>19 relevant time period?</p> <p>20 A. I am not sure what is the policy of maintaining</p> <p>21 e-mails. Honestly --</p> <p>22 Q. That's --</p> <p>23 A. -- it's so long ago, but I'm not sure. I'm not</p> <p>24 sure. I cannot give you a --</p> <p>25 Q. Okay. That's fine. Give me another minute.</p> <p style="text-align: right;">Page 188</p>

<p>1 MR. SMITH: Objection.</p> <p>2 THE WITNESS: No.</p> <p>3 MR. SMITH: Calls for speculation.</p> <p>4 BY MR. CAFFAS:</p> <p>5 Q. Can you repeat your answer, Mr. Chukran?</p> <p>6 A. No. Yes, I can repeat my question-- it</p> <p>7 was -- and my answer, it was no.</p> <p>8 Q. Thank you. I had -- I had heard you. I'm just</p> <p>9 continuing down my list. Thank you.</p> <p>10 There was a recording played to you a few</p> <p>11 minutes ago on which someone named Dawn had left a</p> <p>12 voicemail, presumably for Plaintiff.</p> <p>13 Do you remember that recording?</p> <p>14 A. Yes.</p> <p>15 Q. And you had said that Dawn worked on the -- the</p> <p>16 backend of American Protection.</p> <p>17 Is that how you described her position?</p> <p>18 A. Yes.</p> <p>19 Q. And does that mean that Dawn would have only</p> <p>20 been making calls to someone who was already a customer</p> <p>21 or who had already expressed interest in purchasing a</p> <p>22 product from American Protection?</p> <p>23 MR. SMITH: Objection. Calls for speculation.</p> <p>24 THE WITNESS: Yes.</p> <p>25 BY MR. CAFFAS:</p> <p style="text-align: right;">Page 197</p>	<p>1 here.</p> <p>2 So it would seem that Ms. -- or Dawn would have</p> <p>3 known that someone had already expressed interest, so</p> <p>4 she would have used a telephone where she manually took</p> <p>5 that customer's information and called them, in</p> <p>6 particular, herself?</p> <p>7 MR. SMITH: Objection. Calls for speculation.</p> <p>8 Misstates the witness's testimony.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. CAFFAS:</p> <p>11 Q. Okay. So do you --</p> <p>12 Are you able to say, for a fact, whether that</p> <p>13 was on a physical telephone, or would this be stored in</p> <p>14 a computer system?</p> <p>15 A. No. It was -- that was the same phone system</p> <p>16 that would be virtual or via web browser.</p> <p>17 In this case, the plaintiff gave us a credit</p> <p>18 card number and agreed to the terms of the sale, so as</p> <p>19 far as Dawn, she had written consent from a customer of</p> <p>20 ours.</p> <p>21 Q. Uh-huh. So my confusion, Mr. Chukran, is I</p> <p>22 believe your testimony earlier was, when someone is</p> <p>23 contacted as a potential -- to make a potential sale,</p> <p>24 they are in a list, and they are being -- the</p> <p>25 subcontractor of American Protection that is going to be</p> <p style="text-align: right;">Page 199</p>
<p>1 Q. Would Dawn be making any kind of sales calls at</p> <p>2 all?</p> <p>3 MR. SMITH: Objection.</p> <p>4 THE WITNESS: No.</p> <p>5 MR. SMITH: Calls for speculation.</p> <p>6 BY MR. CAFFAS:</p> <p>7 Q. Would Dawn have been making any phone calls</p> <p>8 using the same dialing system that someone calling to</p> <p>9 make a solicitation call would have used?</p> <p>10 A. Yes.</p> <p>11 Q. Let me ask that in a different way.</p> <p>12 So what -- what type of dialing system would</p> <p>13 Dawn have been using to contact potentially Ms. Smith?</p> <p>14 A. The same -- the same one that Samantha Jaeger</p> <p>15 was using.</p> <p>16 Q. Okay. So she, Dawn, in this case, would have</p> <p>17 had -- would she not have manually dialed the person who</p> <p>18 had already expressed interest to call them back?</p> <p>19 MR. SMITH: Objection. Calls for speculation.</p> <p>20 Lacks foundation.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MR. CAFFAS:</p> <p>23 Q. "Yes," she would have been manually dialing?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. I'm just trying to rectify your answer</p> <p style="text-align: right;">Page 198</p>	<p>1 making the sale, is waiting for them to be connected</p> <p>2 with someone who picks up on a call, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Whereas Dawn, who is calling once the consumer</p> <p>5 has already expressed interest in a product, appears to</p> <p>6 have known about this and is specifically calling them</p> <p>7 back, in particular; is that correct?</p> <p>8 A. Yes. She -- she manually dialed it, yes.</p> <p>9 Q. Okay. So that system demands that it be</p> <p>10 manually dialed on occasion, too?</p> <p>11 A. Yes.</p> <p>12 Q. I also want to clarify something you had said</p> <p>13 about whatever dialing system the subcontractors for</p> <p>14 American Protection are using.</p> <p>15 You had said that it is just dialing from a</p> <p>16 list of leads, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And, again, this would only be a list of leads</p> <p>19 that were uploaded to the system of people that had</p> <p>20 already requested to be called specifically by</p> <p>21 American Protection?</p> <p>22 MR. SMITH: Object to form.</p> <p>23 THE WITNESS: Yes. Yes, or somebody that</p> <p>24 called in on our toll-free number for information.</p> <p>25 BY MR. CAFFAS:</p> <p style="text-align: right;">Page 200</p>

CERTIFICATE OF REPORTER

(VIA VIDEOCONFERENCE)

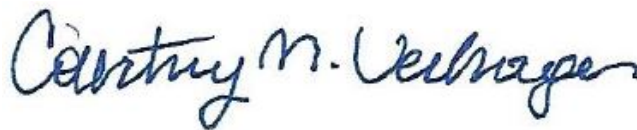
STATE OF WISCONSIN:

COUNTY OF WINNEBAGO:

I, COURTNEY N. LANGHOFF, RMR, CRR, FPR-C,
Notary Public, State of Florida, certify that I was
authorized to and did stenographically and remotely
report the Zoom videoconference deposition of
KOBI CHUKRAN (CHUKRAN MANAGEMENT GROUP, LLC); that a
review of the transcript was requested; and that the
foregoing transcript, pages 134 through 248, is a true
and accurate record of my stenographic notes.

I further certify that I am not a relative,
employee, or attorney, or counsel of any of the parties,
nor am I a relative or employee of any of the parties'
attorneys or counsel connected with the action, nor am I
financially interested in the action.

DATED this 16th day of November, 2022.



COURTNEY N. LANGHOFF, RMR, CRR, FPR-C